

1-1 By: Fraser S.B. No. 900
 1-2 (In the Senate - Filed February 27, 2013; March 5, 2013,
 1-3 read first time and referred to Committee on Natural Resources;
 1-4 April 11, 2013, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 9, Nays 0; April 11, 2013,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14			X	
1-15	X			
1-16			X	
1-17	X			
1-18	X			
1-19	X			

1-20 COMMITTEE SUBSTITUTE FOR S.B. No. 900 By: Fraser

1-21 A BILL TO BE ENTITLED
 1-22 AN ACT

1-23 relating to the amounts of the administrative, civil, and criminal
 1-24 penalties for violating certain statutes under the jurisdiction of,
 1-25 rules or orders adopted by, or licenses, permits, or certificates
 1-26 issued by the Railroad Commission of Texas.

1-27 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-28 SECTION 1. Section 81.0531, Natural Resources Code, is
 1-29 amended by amending Subsection (b) and adding Subsection (b-1) to
 1-30 read as follows:

1-31 (b) The penalty may not exceed:

1-32 (1) \$10,000 a day for each violation that is not
 1-33 related to pipeline safety; or

1-34 (2) \$200,000 a day for each violation that is related
 1-35 to pipeline safety.

1-36 (b-1) Each day a violation continues may be considered a
 1-37 separate violation for purposes of penalty assessments, provided
 1-38 that the maximum penalty that may be assessed for any related series
 1-39 of violations related to pipeline safety may not exceed \$2 million.

1-40 SECTION 2. Section 117.051, Natural Resources Code, is
 1-41 amended to read as follows:

1-42 Sec. 117.051. CIVIL PENALTY. A person who violates this
 1-43 chapter or a rule adopted by the commission under this chapter is
 1-44 subject to a civil penalty of not ~~[less than \$50 nor]~~ more than
 1-45 \$200,000 ~~[\$25,000]~~ for each act of violation and for each day of
 1-46 violation, provided that the maximum civil penalty that may be
 1-47 assessed for any related series of violations may not exceed \$2
 1-48 million ~~[\$500,000]~~.

1-49 SECTION 3. Section 117.053, Natural Resources Code, is
 1-50 amended by amending Subsection (b) and adding Subsection (c) to
 1-51 read as follows:

1-52 (b) An offense under this section is punishable by a fine of
 1-53 not more than \$2 million ~~[\$25,000]~~, confinement in the Texas
 1-54 Department of Criminal Justice for a term of not more than five
 1-55 years, or both such fine and imprisonment.

1-56 (c) In the prosecution of a defendant for multiple offenses
 1-57 under this section, all of the offenses are considered to be part of
 1-58 the same criminal episode, and as required by Section 3.03, Penal
 1-59 Code, the sentences of confinement shall run concurrently.
 1-60 Additionally, the cumulative total of fines imposed under this

2-1 section may not exceed the maximum amount imposed on conviction of a
2-2 single offense under this section.

2-3 SECTION 4. Section 117.054, Natural Resources Code, is
2-4 amended by amending Subsection (b) and adding Subsection (c) to
2-5 read as follows:

2-6 (b) An offense under this section is punishable by a fine of
2-7 not more than \$2 million [~~\$25,000~~], confinement in the Texas
2-8 Department of Criminal Justice for a term of not more than five [~~15~~]
2-9 years, or both such fine and imprisonment.

2-10 (c) In the prosecution of a defendant for multiple offenses
2-11 under this section, all of the offenses are considered to be part of
2-12 the same criminal episode, and as required by Section 3.03, Penal
2-13 Code, the sentences of confinement shall run concurrently.
2-14 Additionally, the cumulative total of fines imposed under this
2-15 section may not exceed the maximum amount imposed on conviction of a
2-16 single offense under this section.

2-17 SECTION 5. Section 121.204, Utilities Code, is amended to
2-18 read as follows:

2-19 Sec. 121.204. CIVIL PENALTY. Each day of each violation of
2-20 a safety standard adopted under this subchapter is subject to a
2-21 civil penalty of not more than \$200,000 [~~\$25,000~~], except that the
2-22 maximum penalty that may be assessed for any related series of
2-23 violations may not exceed \$2 million [~~\$500,000~~]. The penalty is
2-24 payable to the state.

2-25 SECTION 6. Subsection (b), Section 121.206, Utilities Code,
2-26 is amended to read as follows:

2-27 (b) The penalty for each violation may not exceed \$200,000
2-28 [~~\$10,000~~]. Each day a violation continues may be considered a
2-29 separate violation for the purpose of penalty assessment, provided
2-30 that the maximum penalty that may be assessed for any related series
2-31 of violations may not exceed \$2 million.

2-32 SECTION 7. Section 121.302, Utilities Code, is amended by
2-33 amending Subsection (a) and adding Subsection (a-1) to read as
2-34 follows:

2-35 (a) A gas utility is subject to a civil penalty if the gas
2-36 utility:

- 2-37 (1) violates this chapter;
 - 2-38 (2) fails to perform a duty imposed by this chapter; or
 - 2-39 (3) fails to comply with an order of the railroad
- 2-40 commission if the order is not stayed or suspended by a court order.

2-41 (a-1) A penalty under this section is payable to the state
2-42 and shall be:

- 2-43 (1) not less than \$100 and not more than \$1,000 for
- 2-44 each violation or failure that is not related to pipeline safety; or
- 2-45 (2) not more than \$200,000 for each violation or
- 2-46 failure that is related to pipeline safety, provided that the
- 2-47 maximum penalty that may be assessed for any related series of
- 2-48 violations related to pipeline safety may not exceed \$2 million.

2-49 SECTION 8. Subsection (b), Section 121.304, Utilities Code,
2-50 is amended to read as follows:

2-51 (b) The penalty for each violation or failure that is not
2-52 related to pipeline safety may not exceed \$10,000 a day. The
2-53 penalty for each violation or failure that is related to pipeline
2-54 safety may not exceed \$200,000 a day. Each day a violation
2-55 continues may be considered a separate violation for purposes of
2-56 penalty assessment, provided that the maximum penalty that may be
2-57 assessed for any related series of violations related to pipeline
2-58 safety may not exceed \$2 million.

2-59 SECTION 9. Section 121.310, Utilities Code, is amended by
2-60 amending Subsection (b) and adding Subsection (c) to read as
2-61 follows:

2-62 (b) An offense under this section that is not related to
2-63 pipeline safety is punishable by a fine of not less than \$50 and not
2-64 more than \$1,000. An offense under this section that is related to
2-65 pipeline safety is punishable by a fine of not more than \$2 million.

2-66 In addition to the fine, the offense may be punishable by
2-67 confinement in jail for not less than 10 days nor more than six
2-68 months.

2-69 (c) In the prosecution of a defendant for multiple offenses

3-1 under this section, all of the offenses related to pipeline safety
3-2 are considered to be part of the same criminal episode, and as
3-3 required by Section 3.03, Penal Code, the sentences of confinement
3-4 shall run concurrently. Additionally, the cumulative total of
3-5 finances imposed under this section for offenses related to pipeline
3-6 safety may not exceed the maximum amount imposed on conviction of a
3-7 single offense under this section.

3-8 SECTION 10. The changes in law made by this Act apply only
3-9 to a violation committed on or after the effective date of this Act.
3-10 A violation committed before the effective date of this Act is
3-11 governed by the law in effect when the violation was committed, and
3-12 the former law is continued in effect for that purpose. For
3-13 purposes of this section, a violation was committed before the
3-14 effective date of this Act if any element of the violation was
3-15 committed before that date.

3-16 SECTION 11. This Act takes effect September 1, 2013.

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